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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

STEVEN V. KOZMARY, M.D., LLC, d/b/a
CLEVELAND BACK AND PAIN
MANAGEMENT CENTER, a Nevada limited
liability company,

Plaintiff,

v.

MEDICAL MUTUAL OF OHIO, a foreign non-
profit corporation; DOES 1-10, business entities,
forms unknown; DOES 11-20, individuals; and
DOES 21-30, inclusive,

Defendants.

Case No. 2:19-cv-01819-JCM-EJY

**JOINT STIPULATION TO TRANSFER
VENUE; ~~[PROPOSED]~~ ORDER**

1 Plaintiff Steven V. Kozmary, M.D., LLC and defendant Medical Mutual of Ohio (collectively,
2 the “Parties”), by and through their undersigned counsel of record, hereby file this Joint Stipulation to
3 Transfer Venue for the purposes of effectuating transfer of this action to the U.S. District Court for the
4 Northern District of Ohio.

5 The Parties agree that this stipulation shall in no way be considered an admission by Medical Mutual
6 of Ohio that any state or Federal court in Nevada has personal jurisdiction over Medical Mutual of Ohio.
7 The Parties further agree that this stipulation cannot and shall not be used as evidence in an attempt to seek
8 the exercise of personal jurisdiction over Medical Mutual of Ohio in the state or Federal courts of Nevada
9 at any point in the future. Medical Mutual of Ohio reserves any and all future right to challenge any
10 attempted exercise of personal jurisdiction by any state or Federal court in Nevada. This stipulation is
11 intended by the Parties exclusively to allow the transfer of this action to the U.S. District Court for the
12 Northern District of Ohio, where personal jurisdiction and venue are proper.

13 **STIPULATION**

14 WHEREAS, the Complaint in this matter was filed on September 9, 2019 in the Nevada Eighth
15 Judicial District Court, Case No. A-19-801552-C.

16 WHEREAS, the instant matter was removed to the U.S. District Court for the District of Nevada
17 on October 17, 2019.

18 WHEREAS, the instant matter could have been filed in the U.S. District Court for the Northern
19 District of Ohio, as defendant Medical Mutual of Ohio is headquartered in or resides in the State of
20 Ohio, County of Cuyahoga.

21 NOW, THEREFORE, plaintiff Steven V. Kozmary, M.D., LLC and defendant Medical Mutual
22 of Ohio, by and through their undersigned counsel of record, stipulate and agree as follows:

- 23 1. This matter shall be transferred from the U.S. District Court for the District of Nevada
24 to the U.S. District Court for the Northern District of Ohio, for the convenience of the
25 Parties and witnesses and in the interest of justice, and with the consent of all Parties,
26 pursuant to 28 U.S.C. § 1404(a);
- 27 2. The Parties shall bear their own attorneys’ fees and costs incurred in relation to the
28 transfer of venue contemplated hereby; and


3. The Clerk for the United States District Court for the District of Nevada shall forward all filings in this action to the Clerk for the United States District Court for the Northern District of Ohio.

IT IS SO STIPULATED.

Dated: November 26, 2019

HUTCHINGS LAW GROUP, LLC

By:


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Steven V. Kozmary, M.D., LLC d/b/a
Cleveland Back and Pain Management Center

Dated: November 26, 2019

FRANTZ WARD LLP

By:

/s/ Gregory R. Farkas
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(216) 515-1660
Attorneys pro hac vice for defendant
Medical Mutual of Ohio

Dated: November 26, 2019

MAUPIN, COX & LEGOY

By:

/s/ Rick R. Hsu
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Attorneys pro hac vice for defendant
Medical Mutual of Ohio

IT IS SO ORDERED.


Hon. Elayna J. Zouchak
U.S. DISTRICT MAGISTRATE JUDGE

Dated: November 27, 2019